

# THE LEISURE HOUR.

BEHOLD IN THESE WHAT LEISURE HOURS DEMAND,  
AMUSEMENT AND TRUE KNOWLEDGE HAND IN HAND.—*Cowper.*



PATTY AND THE CAPTAIN.

## MISS PILKINGTON.

BY THE AUTHOR OF "DAFT DAVIE," "MATTHEW MORISON," ETC.

### CHAPTER I.

MISS PILKINGTON had lived in lodgings all the years of her life up to thirty-one. She was born in lodgings in a small provincial town, near which was a military station, and when, both in her childish days and womanhood, she spoke of "home" she always referred to the parlour and two bedrooms

in which the family resided for the time. Miss Pilkington was, of course, experienced in lodging-house life; was able to detect at a glance if the cold meat had been tampered with, or the cupboard and teacaddy opened with surreptitious key in her absence; and could check the charges for fires, gas, and other *etceteras*, with ready calculation and perfect justice. It was not from stinginess of disposition in Miss Pilkington, but wholly from necessity, poor thing!

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PRICE ONE PENNY.

She saw many varieties of lodgings and landladies during the first twenty-five years of her existence, for her father was then in the army, and she and her mother, of course, followed the regiment. That distinguished officer—he was so at least in his wife's and daughter's estimation—was fortunately, or unfortunately, fated to serve his country during that halcyon time of peace which dates from the battle of Waterloo to the Crimean War, and therefore his sword was as innocent of slaughter when he hung it up on the wall of his bedroom at the close of his military career as when he first girded it on in his youthful pride and ambition. To quell a riot among a disaffected population frenzied at the sight of their starving wives and children, and with the wolf-hunger gnawing fiercely at their own vitals, poor wretches! had been his only real work, if work it should be called, where the mere sight of the soldiery, and a volley fired over the heads of the crowd, instead of among them, by the merciful order of the officer in command, was enough to disperse the feeble insurgents. But his wife and daughter believed it was an enterprise of much danger, and when their hero returned to them safe and unwounded, they crowned him with laurels in their own imaginations.

Mrs. Pilkington had been in a much lower station of life than her husband before their marriage. She had been only a milliner and dressmaker's pretty assistant when she attracted the notice of that officer, who had rather too much leisure time on his hands, being no reading man, when his corps happened to be stationed in the quiet, Quaker-like little town of Marshmead. The two great families who, to the exclusion of lesser proprietors, divided almost the whole county between them, were too aristocratic to open their park gates to any officers but those of crack regiments, and the better class of the town's folk were a grave domestic set of people, given to quiet tea-drinkings and eschewing all public amusements, except perhaps an occasional concert, especially when given for the benefit of a local charity. It was therefore a somewhat dreary sojourn for the military, though those officers who were able to keep a horse could remedy the matter by almost daily rides to another and larger town some ten miles distant, where their society was properly prized, and where balls, both public and private, were of frequent occurrence. But poor Captain Pilkington had no horse, and constant hiring of one from the Royal George came expensive, so he had to cater for amusement in Marshmead itself, and the consequence of this was that, just before the regiment was ordered off to other and livelier quarters, pretty Martha Randall became, to the wonder and envy of all her acquaintance, Mrs. Captain Pilkington.

She was a gentle, timid creature, who had known little affection and kindness for the greater part of her life, which had been passed—her parents, whose only child she was, having died early—with an aunt whose temper, not fitted by nature to stand many drafts upon it, was now wholly soured with exacting lodgers and a sluggish liver. Pretty, timid Martha, accustomed to daily lectures and fault-finding, was very grateful to Captain Pilkington for marrying her. In her humility she wondered at it as much as any one else, and in requital became his slave from that moment. She never saw a fault in him, and she brought up their daughter and only child to do the same.

Mrs. Pilkington did not resent that her husband, as time went on, sought more and more his amusements away from home, while he never proposed that she should share in them. To be sure, there was the child to be attended to, and she had no nursemaid. An arrangement had been made that the landlady's maid-of-all-work should carry out the infant every day; but the mother always accompanied them, and every other office she discharged herself without remonstrance from her husband, whose tastes were expensive for his income, and who had never been accustomed to self-denial. To this, indeed, his marriage had been owing. It was all right and proper in her eyes. He had been born a gentleman, and was accustomed to luxuries, while she had been but a poor working-girl whom he had condescended to marry. Her duty, she decided, was to remain quietly in their lodgings—the captain did not like her to live in barracks even when there was suitable accommodation for officers' wives, as none of the better off ones did—to economise, and to teach Patty as she grew older to do the same, that the husband and father might not want the means for enjoyment. And for this object she turned the really unusual skill she had acquired in her old trade to account; did all the needlework necessary for the little family, made her own and Patty's bonnets and dresses, and taught the latter all the mysteries of cutting-out and fitting-on, so that at twenty the girl might have earned her own bread by her needle in any dressmaking or outfitting establishment.

There were few married men among the officers of Captain Pilkington's regiment, but their wives, of course, visited Mrs. Pilkington; they could not avoid it in the circumstances in which they were placed, and their husbands made a point of it. These ladies were quite aware what she had been. "A mere shop-girl, my dear, if you will believe it," whispered the colonel's lady to the lieutenant's bride, who entered the regiment some years after Mrs. Pilkington; but then she was so gentle and unpretending in her manners, though she occasionally dropped her h's and made grammatical blunders in conversation, much to the annoyance of the captain, who became more sensitive to these faults after marriage, that they were content to patronise without snubbing her. They formed her only society, for she never made acquaintances in any of the towns they lived in, and it came to be understood at length by the families who visited the military that it was unnecessary to invite Mrs. Pilkington to their parties with her husband, as he was perfectly willing to come without her. It was no deprivation to her, for she had a depressing consciousness of her own defects, which the captain was always pointing out to her; besides, society would have entailed additional expense, while Patty had to be educated.

Much education, however, she had not, and it was of an irregular and intermittent kind on account of their frequent removals, which necessitated a change of instructors not conducive to improvement. She was strongest in arithmetic and weakest in what are called accomplishments. It was considered useless to teach her any music except class-singing, and her voice was true and sweet, for how could she keep up her playing without an instrument, and hiring one was, the captain decided, out of the question. Patty could neither play, draw, nor speak any language but her own. She had a smattering of French, which she had acquired from an English provincial teacher,

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but which no native of *La belle France* would have understood, however quick his intelligence; but her real acquirements were tolerably correct English, writing, and ciphering, and the dressmaking, millinery, and fine sewing, in which her mother had found her so apt a scholar.

Captain Pilkington was attached to his wife and daughter as much, perhaps, as it was in his nature to be, for there was no depth of feeling in him. His affections were kindly, but superficial, roused into active exercise only by sudden apprehension for the safety of the objects of them, and sinking rapidly to their usual placid level when his fears were relieved. He was somewhat selfish by nature, and, unconsciously, they did their utmost to increase it. He had the best of everything, and took it as a matter of course. His was the warmest side of the fireplace; the most comfortable chair in the room; the tit-bits of every dish when he did not dine at the mess; and he would sport the most fashionable waistcoats, neckties, and gloves, though quite aware that his wife's and daughter's best dresses were turned silks, cunningly renovated by sponging, and that they restricted themselves to a new pair of gloves, and these of a dark thrifty colour, once in the half year. But then Captain Pilkington was never seen with them out of doors, unless on some rare excursion into the country, to which he accompanied them alone, and where they were not likely to encounter any observation that signified, and so he was not compromised by their shabby appearance. Let it not be supposed, however, that the captain had any reason to feel ashamed of them; he might, indeed, have been ashamed that he spent so much upon his own dress while theirs cost him so little; but this never disturbed him, for Mrs. Pilkington had too correct a taste and eye to allow her daughter and herself to appear otherwise than neat and lady-like in their attire at all times, though the materials it was made of might be inexpensive.

He frequently inculcated economy upon them, though he never set them an example of self-denial himself; and these simple-minded, unselfish females quietly acquiesced, and made no private commentaries. They liked to see him well-dressed; admired every new coat, vest, etc., to his full content; helped to beautify him with their deft woman's fingers for the evening party to which he was bound; and when he was gone to it sat down contentedly to their tea and plain bread-and-butter by the light of one candle, for Mrs. Pilkington never burned a pair in her husband's absence.

Patty, however, had now reached an age when it might have been expected that the captain would have considered it desirable that she should see something more of society than she had yet done; but he seemed as unconscious of the necessity of such a thing as Patty herself, and that is saying a good deal. She did not care for company and amusements, and, indeed, was very unlike most girls—and these not what are now called "fast" girls either—of her age and position. To be with her gentle, tender mother continually was all she cared for, and the mother and daughter did enjoy themselves wonderfully in their quiet way on these many evenings which they spent alone, one working while the other read aloud, or chatting confidentially, for their minds were always open to each other. Indeed there seemed more enjoyment on these quiet evenings than on those which the captain spent with them, though

they would have denied this, and with all sincerity. But then, though they were only too willing to serve him, the captain did require a considerable amount of waiting upon, which must have made his company somewhat fatiguing to their bodies; he also disliked reading aloud or being read to, and if not sufficiently amused was apt to grow tetchy and irritable, and to make satirical remarks on Patty's personal appearance. Her plainness, no doubt, was the true reason why Patty at the age of twenty was not introduced into the society which her father frequented; if she had been more attractive in looks, and therefore calculated to do him credit, he might have submitted without much grumbling to the additional expense it would have entailed.

This was the family life for many years, with only the variety which change of residence occasioned, one foreign sojourn of no lengthened duration being all they had.

## II.

PATTY, it will be understood by the previous remarks, had inherited her mother's quiet, humble disposition without her beauty. She was tall, but somewhat too thin in figure to be graceful; there were too many angles about her, and she stooped slightly. Her features also were plain and her complexion bad; but as some compensation for this, she had a pleasant ready smile, a low gentle voice, "that excellent thing in woman," and people generally took to her and trusted in her even at first sight. All children loved her, and a little daughter of one of their landladies had cried herself into an illness when Patty had left the lodgings—father and mother finding themselves unable to comfort the child. She was that rare thing, a born nurse and sympathiser; it was as natural and easy for her to be so as it is for others of her age to flirt and dance. She was skilled in the concoction—how acquired she could scarcely have told—of all the dainty messes which tempt a sickly appetite, while she had the light step and touch, and the ready, uncomplaining wakefulness, which are so invaluable in a sick room, especially when the patient is a nervous one. Her mother's long illness, or rather slow decline—for Mrs. Pilkington, never robust, grew more and more feeble in health after Patty had attained to womanhood—had trained her to this, for Patty was her only nurse by night as well as by day. Captain Pilkington shrank from the sight of illness, and paid only the briefest periodical visits to the sick room, atoning for his own deficiencies, however, by enjoining the most careful attention upon Patty; and then, feeling that he had done all that duty required of him, returned to his chair and newspaper in the parlour, or sauntered out of doors in search of something to interest him. It never seemed to occur to him that air and exercise were necessary to preserve Patty's health, which, doubtless, would have suffered but for the kindness of their landlady, who occasionally took her place in the sick room for an hour, and who regarded the captain's conduct with sovereign contempt.

Mrs. Pilkington from early youth, when she attended Sunday school, had been of a thoughtful, religious turn of mind, which is often united, however, to much ignorance and spiritual blindness. But a few years before her death the regiment was fortunately stationed in a town where she and Patty came under the teaching of an earnest, devoted



evangelical minister, and to both mother and daughter it was blessed to the awakening of the heart and conscience. Their piety, however, was of a quiet and unobtrusive class. Their manners had always been so retiring and irreproachable that the change, vital though they themselves felt it, as from death to life, attracted no attention from others—not even from the captain, except that he thought them more fond of church-going and Bible-reading than before. He himself was not a religious character, but he respected the ordinances of the church, occasionally partook of the communion, and when poor Mrs. Pilkington's death evidently drew near, he quite approved, in the circumstances, of Patty's frequent reading of the Scriptures and of the prayers for the sick by her mother's bedside, though he himself usually avoided being present on these occasions.

After his wife's death Captain Pilkington retired from the army upon half-pay. The father and daughter, after trying more than one lodging in the outskirts of London—housekeeping was out of the question with their means—at length permanently established themselves in rooms in one of those rows of semi-detached villas which seem to spring up almost as quickly as mushrooms in some of the suburbs of the City, the slightness of whose walls necessitates the condition that no exercise of a saltatory nature shall take place within them, and where, if secrets exist, they had better not be spoken aloud, lest the thin brick and plaster partitions should carry the matter.

Captain Pilkington's income was now a very limited one, as the usual expression is. Perhaps the word is less grating than a "small" income; it certainly is more ambiguous, as we have known of different individuals possessing incomes varying from one to eight hundred pounds a year, using the term with evidently equal sincerity. In case of misleading the reader, therefore, we may mention that the captain's income consisted only of his half-pay, with the addition of the interest of five hundred pounds, which sum formed the sole provision (except his wife's pension, if she survived him) which Captain Pilkington, who had been somewhat improvident before his marriage, had been able to make for her and the children they might have. Poor Captain Pilkington! how often did he now look regretfully back to that five thousand pounds, of which this five hundred was the only dribble and representative. It had been his patrimony at his father's death, some years after he had entered the army, not including the purchase money of his captaincy; and how he had spent it he could now hardly tell; his tailor, bootmaker, and jeweller, perhaps, had the most of it, for he was a foolish spend-thrift rather than a vicious one.

Let it not be imagined, however, that Captain Pilkington's regrets were wholly or even greatly on his daughter's account. The five thousand pounds had been his own, to spend as he liked, and the abridgment of his personal comforts, which the loss of them occasioned, was a much more important thing in his estimation than the situation in which she would be placed by his death, for "Patty would be sure to get on somehow," he complacently decided. Nay, he had often regretted that, in the early days of his marriage, he had been so infatuated as to put all but the income of the five hundred pounds out of his power by settling the capital on his wife and the children they might have; and he wished that his colonel, a staid family man, who took a fatherly kind of interest in his young officers, and who, the truth must be told,

had more confidence in the amiability than in the prudence and unselfishness of his subaltern, had not been so officious as to offer his advice upon the subject. If he had not taken that step, the captain reflected now that the five hundred pounds might have purchased him an annuity for his life, now considerably advanced, which, added to his half-pay, would have enabled him to indulge occasionally in a glass of good wine with his chop or steak. "It was hard," he always told Patty when dwelling on the deprivations to which his generosity had exposed him. And poor Patty thought it hard too; and to procure him little luxuries she denied herself almost necessary food and decent clothes—her underclothing being so patched and darned, that the washerwoman and lodging-house maid-of-all-work turned up their noses at the articles, and wondered how "a capting's daughter could wear sich poor things."

Captain Pilkington had a few old friends in London, principally military, who had either sold out or were on half-pay, like himself, and whose resources were not much better than his. They were never seen in each other's homes or lodgings, for that would have involved some amount of expenditure in the way of entertainment, but they met several times a week at a club which they had established at a respectable, though humble tavern in that locality, no great distance from all their places of abode. There they sat, perpetrating feeble jokes and telling prosy old stories of their military life, till the hour for separation arrived. Few of them were known by Patty; her father's acquaintance with two of them dated farther back than his marriage, and the others, though brother-officers of his of a more recent date, she was only acquainted with by sight, as her mother and she had no intercourse with the unmarried officers of the regiment. This, no doubt, was caused by a suspicion that early spread itself among them that Pilkington was ashamed of the *mésalliance* he had been foolish enough to commit, and that he would prefer that his wife should remain a stranger to them. It was weak and unmanly on his part, and, as we know, though they did not, wholly unjustifiable. There were but seven members of the club in all, and one of them was a civilian. They had gradually looked each other up in London, and now met together thrice a week, as has been said.

The captain had some difficulty in getting through the day in his new residence; there was no parade now to attend, no mess; and his means were too narrow to allow of amusements for which he had to pay, even if public entertainments, such as the theatres, had not been at such terrible distances as to render them unavailable. He rose late, dawdled over his breakfast—he always had an egg or a rasher of bacon, while Patty munched her bread with the scantiest scraping of butter upon it at the opposite side of the table—read the previous day's newspaper, which was lent to him by one of the club members, the civilian, and then, well brushed and smartened up by Patty, sauntered out to take the air, and to gather what little news he could during his walk in that unfashionable and, it must be confessed, extremely dull quarter of the town.

In short, the captain's palmy days were over. He was aging fast; his hair and whiskers—he was quite bald on the top of the head—were white; and, though still possessing something of his old military uprightness of carriage, the jaunty cane had been

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exchanged for a serviceable stick—in winter and spring a strong alpaca umbrella—on which he leant so heavily as to show that his joints were growing stiff and crippled, probably with rheumatism. Changes there were likewise in his dress. A substantial overcoat and comforter in cold weather now had taken the place of the elegant paletôt and stock of former times, and warm woollen gloves, with muffetees of Patty's knitting, ignominiously supplanted the light kids and snowy wristbands, with their glittering studs, in which his wife and daughter used to admire him.

Worse than such changes, which in a man of his time of life were prudent and even necessary, the captain's temper, which had formerly been only passively amiable when things were going smoothly with him, was growing more and more selfish and irritable as his years and infirmities increased. He was peevish and inconsiderate towards Patty. He had never appreciated her, as he had never properly valued his sweet, tender-hearted wife, who, in everything but station, was his superior. Indeed, he was utterly incapable of understanding what a treasure he possessed in such an unselfish, loving daughter. It never occurred to him that Patty might have wants and crosses; he never reflected, in his egotism, that in this great desert of London she had not a single friend to lighten the daily monotony of her existence, while he made constant demands upon her spirits, and expected her to be always ready to entertain him. She was only Patty.

She did her best, poor thing! to amuse him, never thinking him too exacting or worrying; but her powers of conversation were not great, she had little sense of humour, and her life revolved in so narrow an orbit as to furnish no subject of interest to talk about. What happened yesterday was almost sure to happen to-day, changes in the weather being the only variety; a more colourless, uneventful state of existence could not be. But she picked up all the news she could gather from the landlady's and servant's talk to repeat to him; and when she made her small purchases at the shops she frequented, she did the same, but it seldom amounted to much. It was such a quiet, sleepy, unprogressive sort of neighbourhood in which they lived—the push and whirl of active business had not reached it yet, if it ever would—that even such a thing as a real, exciting *bonâ fide* accident had never occurred there in the memory of the earliest resident, who had made his appearance some six years before this time, just after the first two semi-detached villa residences had been advertised to the public as in a state of completion, and worthy the inspection of intending purchasers or tenants, and of which he and his family remained the sole inhabitants for one calendar year.

#### ON SLANDER.

A STRIKING example of the way in which the institutions of the country are moulded by the growth of opinion is to be found in the history of the law relating to slander and libel. In ages in which writing was unknown, libel, except by means of caricature or mimicry, was impossible; then gradually, as writing came into practice, it was discovered that by libel, or, as it may be called, *written*, instead of *spoken*, slander, charges injurious to reputation might be made with far greater precision, and in a

much more lasting way, than by mere words; and in later times, when the enormous power of the press began to develop itself, the temptation to abuse that power for purposes of defamation became overwhelming, and speedily required curbing by the strong arm of the law. A libel inserted in a newspaper might be carried to the ends of the earth, and might be preserved in all its malignity for ever.

But in ancient days it was not so. The difficulty under which lawgivers and administrators then laboured was of a different kind. The judges were perpetually at a loss to decide whether to let a malicious or mischievous phrase pass as beneath their notice, or, on the other hand, to punish it, and thus prevent the breach of the peace which was almost sure to follow if the courts did not take the matter up. Accordingly slander forms a very considerable item in the body of our ancient law.

"Slander" is said to be a word having the same origin as "scandal," being derived, through the French *esclandre*, from the Greek word *scandalon*, signifying the stick of a bird-trap, and also a "caltrop," or round body set with spikes and thrown upon the ground, or deposited under a thin coating of soil, in order to pierce the feet of horses. It is the word which in the New Testament is constantly rendered by "offence"—"a stumbling-block and rock of offence"—"it must needs be that offences come," etc.

One of the leading principles of the English law of slander is often misapprehended. On the one hand, it seems unreasonable that a man should be punished for declaring that which is no more than the truth about a matter which it concerns many to know; on the other hand, the saying is proverbial, that "the greater the truth, the greater the libel," or "the slander," as the case may be. The distinction is this. In a civil action, that is, an action between parties, where one man accuses another of having said something to his discredit, it is competent to the accused person to plead justification, and to maintain that what he has said is no other than the strict truth; and if this can be established, the plaintiff fails, and his claim for damages falls to the ground. But there are many true things which it would be highly inexpedient to state or to publish. Public morals might be injured; the frame of society might be imperilled; breaches of the peace might ensue. Such publications, then, being public wrongs, or tending to the disadvantage of the public, are made the subject of criminal prosecutions at the suit of the Crown; and as the public injury is a matter wholly independent of the truth or falsehood of the matter charged, it used to be held that upon a Crown prosecution for slander or libel, all that a jury had to decide was the fact of the publication. To this was added, in some instances, the question of the "innuendoes," as they were called, that is to say, whether "K—g" meant King, "Sir R—t W—e," Sir Robert Walpole, and so on.

It followed that the whole pith and essence of the matter was removed out of the hands of the jury and vested in those of the judge, with a result that was felt to be adverse to that personal liberty which has always been so jealously guarded by Englishmen. What was the result? It followed that juries, unable to do what they conceived to be justice in any other way, took to bringing in verdicts of "not guilty," and accordingly, when such a verdict was delivered in a prosecution for libel by the Attorney-

General Sir Philip Yorke, of "The Craftsman," in 1723, Mr. Pulteney wrote:—

"For Sir Philip well knows  
That his innuendoes  
Will serve him no longer  
In verse or in prose;  
For twelve honest men have decided the cause,  
Who are judges alike of the facts and the laws."

This sentiment was all very well in a ballad; but it was not yet the law of the land, and Lord Mansfield's subsequent rendering of the last line,—

"Who are judges of facts, though not judges of laws,"

was much more like the truth of the case, until the passing of Mr. Fox's celebrated Libel Act in 1792, which established the right of juries to decide whether a writing was or was not a libel; and Lord Campbell's Act in the early part of the present reign still further qualified the old doctrine.

To return, however, to actions for "words spoken." A curious computation has been made of the number of these proceedings which used to occupy the attention of the courts. In Queen Elizabeth's time, it is said they formed an average of about  $\frac{7}{10}$  per cent., so that supposing the average length of a cause to be half-a-day, at least one day in a fortnight saw one of these curious complaints brought solemnly before the assembled wisdom and gravity of Westminster Hall. In many instances the abuse of the noble gift of language was gross indeed; in others it was not a little amusing.

It was a very old decision that to defame a man in his calling or trade is actionable, as to say to an attorney, "You are a cheating knave;" or of a tradesman, that he is "a bankrupt;" or to tell a man about to be presented to a benefice that he is a "heretic." Even words spoken in jest, if maliciously, and with purpose to slander, are actionable. Some words are actionable in some counties, but not elsewhere. Thus it was actionable to say in Devonshire, "He is a healer of felons," for there "healer" meant "hider" or "concealer." "So (says the old case-lawyer, Sheppard), to say of a man in some places, as in the North country, 'He is a daffydowndilly,' where it is taken for this, 'He is an ambodexter,' is actionable." Whatever pungency of reproach the mysterious "daffydowndilly" may have had in the ears of our forefathers, it certainly has lost all trace of bitterness long ago. Another sound old rule is, that if the words are capable of two constructions, a better and a worse, the better is to be chosen; but from this a very doubtful conclusion is drawn: "It is therefore agreed that no action will lie for saying of a man 'He did burn my barn,' for it may be a barn without corn." This seems an unreasonably indulgent view of the offence. It is further said that the action will not lie for any of the following words: "Thou art a villain, rogue, varlet, knave, cozenor, rascal, cheater, railer, miscreant, hypocrite, or the like" (a very wide alternative); nor for calling a man "all these names together." This ruling suggests the expediency of a man's carrying about in his pocket a list of actionable and non-actionable epithets, if he wished to indulge his spleen with impunity.

Again, words may be actionable when applied to an eminent person which if applied to a meaner man would not sustain an action. This is a branch of *Scandalum Magnatum*, scandal of magnates, or men of position, such as prelates, dukes, earls, etc. Thus it was held that for calling a great man a Papist or

recusant, an action would lie, or for saying that he had a pardon from the Pope; "but otherwise it is of such words if spoken of an ordinary man."

Scandal may be uttered of so inanimate, though highly important, a commodity as land; for it appears that the title to land may be "slandered."

It would seem that to say to a man who has several sons, "Thy son is a thief," is not actionable, on account of the uncertainty in the object, but otherwise if the man have but one son. But to say of a jury that "all the jury are perjured," will give a right of action against the jurors, who must, however, sue separately, and not together.

With regard to words spoken in a foreign language some difficulty used to be felt. To call a man a thief in Welsh or in Latin before persons who do not understand the tongue will not bear an action. "And yet some doubt much of this, for they (the hearers) may remember the word, and inquire and come to know what it is."

We have heard of "killing no murder," but the converse seems to have been held in Sir Thomas Holt's case. Some one said of this noted royalist:—"Sir Thos. Holt struck his cook on the head with a cleaver, and cleaved his head. The one part lay on the one shoulder and another part on the other." A verdict was obtained by Sir Thomas, but a motion was made in arrest of judgment, and the court held that the words were not actionable, because "it was not averred that the cook was killed; for, notwithstanding the wounding, the party might be yet alive." We strongly suspect that the judges believed the slander to be true, and since in an indictment the truth of the action could not be tried, they contrived to let the defendant escape on the ground of a defect in pleading.

Notwithstanding the popular belief in witchcraft, it is plain that some misgivings were felt, for it was held not actionable to say, "He hath bewitched my weir that I can catch no fish;" but an action would lie for this: "Thou art a witch, for thou hast bewitched my cow." Cows, indeed, and cattle seem to have been the favourite victims of the arts of mediæval wizards and witches; nor have dark suspicions as to their influence wholly vanished in remote country places.

Apple stealing seems to have been considered a very venial offence. To say to a man, "Thou art a thief, for thou hast stolen apples out of my orchard," appears to have been thought too trivial a charge upon which to found an action; but if the accusation was, "You are a thief, for you have stolen a bushel of my apples on the ground"—a bushel of apples being property of an assignable value—the action would lie.

Charges of perjury and forgery were always treated with severity. False evidence, or judicial slander, it will be remembered, is the sin distinctly forbidden by the ninth Commandment, which is always held to include within its purview slander of all kinds, including the false imputation of having committed perjury.\*

To slander the reputation of a man or woman so as to hinder the slandered person from making a good match was, very justly, ground for an action; but a most unfair exception seems to have been

\* A writer in the "Spectator" of the 4th of July, 1874, Mr. William Langton, maintains that the word "against" in the Commandment would better have been translated "towards," the meaning of the law being, "Thou shalt not bear false witness" (i.e., lie) "against" (i.e., to, or in thy dealings with) "thy neighbour."



made in one case, namely, that of widows. It was held not actionable to say of a man who was a suitor to a widow, "Thou didst cozen J. S. of her money in procuring false witnesses to cozen her,"—"albeit," the report adds, "hee lose the widdow by these words."

But notwithstanding the oddity of some of these judgments, it must be admitted that, generally speaking, they justify the reputation of the judges of that day for learning and capacity. Whether our own times show any great improvement upon the tone and temper of two or three centuries ago in the matter of libel, appears, from recent occurrences, to be at least questionable, and it is with shame that we witness in our day a recurrence to infamous arts of abuse, which, it was supposed, the improved state of general opinion would have been sufficient at once to extinguish. But it is not so; old vices crop up again in the midst of our modern civilisation, and again it is found necessary to examine and overhaul the neglected and, it was hoped, obsolete machinery by which such outrages were punished in ages which we consider to have been darker than our own.

More amusing was the remonstrance made in April, 1875, by a member of the House of Commons, who moved that the law of slander required amendment in the direction of restraining publications which tend to defame the memory of the dead. The occasion for this protest was the publication of the now celebrated "Greville Memoirs." But here, in truth, no amendment of the law is necessary. In answer to

Sir W. Fraser, the attorney-general (Sir R. Baggallay) pointed out that Lord Coke, many generations ago, had declared: "Defamation of the dead is libellous, as stirring up the family to revenge, and to break the peace." So in Hawkins's "Pleas of the Crown," it is laid down that a libel is a malicious defamation tending to blacken either the memory of the dead or the reputation of the living. So little use has been found in late years for that weapon of the legal armoury which is called an indictment for slander of the dead, that its very existence was unknown save to the sages of the law. "There can be no doubt," said the learned law officer, "that the practice of procuring such indictments has fallen into desuetude, because it seems to be the general feeling of the country that it is undesirable to prosecute proceedings of this character." Unhappily, the day seems as yet far distant when indictments for libel will become lost to memory. Within a very short time we have seen a newspaper heavily fined for publishing a libel in the case of an unfortunate man who had committed suicide. The crime of murder was suggested by a writer, who seems to have had no other motive for his accusation than the desire to produce a sensational story. The writer gave up his name, and thus exonerated his employers from everything but negligence; but in other respects his conduct met with severe reprobation. Often as newspapers have been offenders in modern times, they are sometimes the sufferers at the hands of contributors who seek to use their columns for purposes of malice and self-interest.



## BIRD HARMONIES.

AN ARTIST'S GOSSIP ABOUT NATURE.

I.

THERE is a harmony between the animate and the inanimate parts of nature, the still life and the moving life,—between the mountains and valleys, and woods and streams, and the little worlds of living creatures which have their being in them, which is a commonplace of speech, and yet far too rarely observed. In speaking of the animate part of nature I do not include man; for in these civilised days man as an object is rarely in artistic harmony with nature. I remember a few years ago meeting an American traveller on the Grand Tour on the Wengern Alp, just under that glorious giantess of the Bernese Oberland, the Jungfrau. He was "digesting" the avalanches, which every now and then came thundering down from ledge to ledge with a roar like a park of artillery, and he wore a black frock-coat, a white waistcoat, and a hat of the genus "chimney-pot." A day or two after, in crossing the Grimsel Pass, I met, in the midst of that scene of desolation, two Anglican clergymen attired in orthodox black, the brims of their wide-awake hats very broad, and the tails of their coats very long, and waving in the wind. And now, whenever I try to think of the Jungfrau, my brain conjures up the figure of the American and his hat, and when I try to recall the awful grandeur of the Grimsel I see two long-tailed black figures posing against the wind in Anglo-Saxon attitudes.

Amongst the different worlds of living things which make up the animate part of nature, there is none more harmonious in every sense than the bird world. The wonderful beauties and varieties of form and colour, and the power of flight and song, give to our little feathered friends a peculiar charm in our eyes. From time immemorial man has used the bird in its varied forms as a type of peace or war, of love or hate, of ambition, daring, and other things with which he is always busy. Birds are, indeed, the winged voices of nature, and they are everywhere. Our Arctic explorers, when they gave up the attempt to reach the Pole, and had to drag their weary and diseased limbs back into the region of life, saw birds still flying northward. If we climb to the mountain top we hear the scream of the eagle; the woods below ring with the melody of the woodland songsters; in the marshes we hear the plaintive cries of the peewit and the curlew; the wet sands on the ocean fringe are alive with sand-pipers; and out at sea are all the winged fisher-folk—gulls and gannets and cormorants, divers, both great and small.

Now let us try to picture to ourselves one of those scenes of wild grandeur which are found amongst the precipices and crags of a mountain range, where the foot of man has never trod, and where even the

mountain goat can hardly find a footing. Above us, the huge wall of rock rises in a sheer precipice to a giddy height, weather-worn and seamed with the scars of centuries of storms which have thundered and torn against the iron barrier. The sky-line far above is broken by splinters and crags, which stand out in jagged pinnacles like the ruins of old robber castles. Looking down, we see an awful succession of precipice and ledge and giddy slope, with here and there a stunted, twisted pine-tree, clinging as if for very life to its scanty hold. Far below, in the shadow where the sun can shine but for a short hour each day, lies a gloomy mountain tarn, its waters black with depth. And then, in the narrow valley of the glen beneath, the bracken and the heather are strewn with huge fragments torn from the crags above. There is a wonderful grandeur in the scene, but there is an awesomeness about it that sobers one. It is the sublimity of desolation. Life seems out of place in these awful solitudes, and we know that even on these mighty walls of rock destruction is slowly but surely working.

It is little wonder that, in the times when superstition had a stronger hold on the minds of men, these mountain heights should have been regarded with supernatural awe as the abode of spirits of another world. When the lofty summit of Mount Olympus was hidden in the wreaths of rolling cloud and mist, it was great Jove or the jealous Juno hiding in clouds. The gloomy gorges and chasms were gates of Hades. The jagged splinters of mountain edges were "witches' dances." And even in the last few years, when the Matterhorn was scaled for the first time, a party of guides, seeing the figures above them waving their arms, and hearing the faint echoes of their shouts, fled in terror, believing that these were the spirits of the mountain, furious at the intrusion into their stronghold. In such a scene man is dwarfed into utter insignificance and helplessness. If we seek relief by lying down, no matter how wide or secure the resting-place may be, we feel our insecurity more keenly even than before. Looking up at the sky and clouds above, we feel as if the whole mountain were hurrying forward with us into space, with a revolving motion. And at such a moment as this man has it brought home to him with startling clearness that he is only an atom clinging to the surface of a whirling globe.

Yet, even in this desolation, living nature has its harmony with dead nature. There is life here, for suddenly we hear a wild scream, which echoes through the silence of the solitude, and from under an overhanging cliff beneath us sails out a great brown bird with mighty weather-beaten wings. A glance at the golden-brown hackles of the neck, and the cruel-looking head and beak, tells us that it is the golden eagle. It is the female, judging from her size, and she has probably left her brood of hungry little eaglets in their nest on a ledge where the rock overhangs and protects it. She is out to look for her mate, who is supposed to be hunting, and the larder is empty. Another scream, and then there comes an answer ringing down from the crags above. There he sits, on the top of a jagged pinnacle of rock on the serrated edge of the sky-line, and although our eyes have followed that line more than once we have overlooked him as he sat there, as motionless as if carved out of the rock itself. Twice to-day has he missed his swoop, once at a moor-cock and again at a mountain hare, and he sits sullen and angry at his failures.

But look at him now! His wings a little opened and his fierce head bent forward as he answers the cry of his mate. Could any living creature be more in harmony with the scene below him? Destruction is written in every line of his flat, cruel head, and his fierce eyes, and his clutching, tearing talons. As he stands there, levelling himself for flight on his errand of blood, he is like the spirit of death presiding over desolation. We talk of the eternal fitness of things—can it be more strongly exemplified in nature than here? Imagine any other bird sitting on that pinnacle of rock, say a Turkey cock, trying to preserve his centre of gravity, and, at the same time, to display his tail to the elements. Fancy hearing his pompous "bubbly-jock" clatter instead of the wild scream of the eagle. Or imagine a peacock up there, or, in fact, any bird you like to think of beyond the vulture and hawk tribe. Per contra, for the eagle has his bounds, imagine a golden eagle waddling about a farmyard! It is hard to say which would be more out of place.

Is it possible to conceive of a creature more fitted for slaughter and destruction than the eagle? He has the flat head that all murderers have; you see the flat skull in the tiger, and in the snake, and in the lower types of man, too. His beak is perfectly adapted for its purpose of tearing open his victims when killed; and his feet, with their sharp, curved, and grooved talons, are terrible in their power of killing. And then his power of flight and keenness of vision render him independent, even of the elements. It is easy to understand why, in the old times, the eagle was hailed as a royal bird. In those days, when might was right, and the many lived for the few, men observed the similarity of attributes between their kings, and those birds and beasts of prey whose personal power and grandeur overshadowed the cruelty and blood in which they were steeped. And thus it came to pass, that when kaisers and kings wished for an emblem or a type, they chose from out of the natural world those creatures most in harmony with themselves and their soaring ambition and bloody instincts. Is not an eagle, as he sits on his lofty crag, knowing that the birds and beasts which cower under his shadow are holding their lives under the tenure of his will, a type of the tyrant—isolated in the power of his tyranny, and looking on the people as the eagle looks upon the hares and moorfowl?

Charles Kingsley put this idea well when he wrote:

"I heard an eagle crying all alone;  
Above the vineyards through the summer night,  
Among the skeletons of robber towers,  
Because the ancient eyrie of his race  
Was trenched and walled by busy-handed men;  
And all his forest chase and woodland wild,  
Wherefrom he fed his young with hare and roe,  
Were trim with grapes, which swell'd from hour to hour,  
And toss'd their golden tendrils in the sun  
For joy at their own riches. So I thought  
The great devourers of the earth shall sit,  
Idle and impotent, they know not why;  
Down-staring from their barren height of state  
At nations grown too wise to slay and slave,  
The puppets of the few, whilst peaceful lore  
And fellow help make glad the heart of earth  
With wonders which they fear and hate  
As he, the eagle, hates the vineyard slopes below."

Thank God that in the human world the vineyards



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are growing up the heights, and the human eagles are becoming scarcer and scarcer.

And there is life in these lofty solitudes, even in the depth of winter, when the glen is deep with the snowdrifts, and the mountain tarn is frozen, and the snow covers the crags and slopes of rock with a thick glittering mantle of purest white. Then, when the eagle is cowering from the cold in the shelter of his eyrie, dozing to forget his hunger, you can see at times a flock of white birds winging their way through the mist with wild harsh notes, as if they were the spirits of the snow and mist. They are the ptarmigans. When the rocks are brown and grey, these mountain birds don their livery of like colours, but when nature is white with the breath of winter, they doff the brown and grey and assimilate themselves in plumage white as the snowdrift, with only a patch of black here and there to pick them out, as it were, from the background of nature's picture. This transition from brown and black to white not only tends to security against danger, but preserves the bird in health. The vital heat is better preserved by a white colour, which is a worse conductor of heat than any darker hue. The legs, even to the tips of the toes, are also now covered with warm, sheltering white feathers.

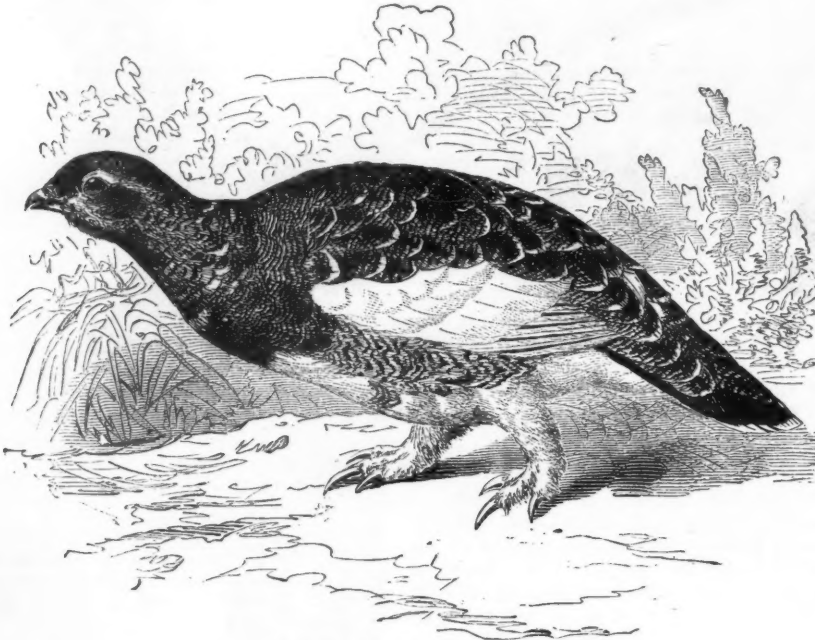
Next let me carry you with me in imagination to another scene of nature, not so far removed from the haunts of man as the one we have just left, but still sufficiently distant to save it from being marred by his busy hands, and grand without the oppressive presence of desolation. We are upon an open stretch of moorland, covered knee-deep with gorse and heather, over which the wild bees are busily humming in the



sunshine. This soft springing carpet is rich with colour, for the heather is in full bloom, purple and pink, with the rich dark greens of the undergrowth where the bilberries grow; and green and gold with gorse, with here and there bosses of bright green studded with yellow, and where the water lies are lighter patches of rushes and flags. To my mind there is no more beautiful scene in nature than a stretch of heather-covered moorland in its full glory of bloom. The colours, although rich, are so exquisitely blended that the eye wanders over the scene with perfect enjoyment, unchecked by anything that glares and jars upon the sense of harmony.

There is life here, for a startled rabbit scuttles away before us, and then a little brown weasel crosses our path, and, after a moment's startled gaze at the intruder, he disappears too. You may be sure

flight of the grouse, and looking for the cause of the alarm. With his small, game-looking head, and its brilliant scarlet patch over the bright, sparkling eye, his swelling breast, purple in the light and velvet-black in the shade, his white-barred wings and his beautiful tail with the double curves, he looks like what he is—the king of the heath. He feeds on the berries and the tips of the blossoms, and the black and purple and white and brown of his plumage are like the black and the purple bloom of the whortleberries and the cloudberrries, and the white and brown of the heather stems and bells. You should see him in the spring, when he has donned his brightest plumes, and struts about in some open spot, uttering his harsh love-calls, and trying, by dint of hard fights with rivals, and by the gloss and beauty of his new clothes, to win and



ALPINE PTARMIGAN IN SUMMER PLUMAGE.

that there is life enough where he is, for he lives on it, and is a very glutton for blood. Presently you are startled with a sudden whirring of wings and a sharp "coq, coq, coq," and, glancing round, you see a little group of red-brown birds, mottled and barred with black, flying along with a strong, heavy, noisy flight, like a covey of partridges, only the birds are larger. Away they go, as straight as a line, just above the heather tops, and, skimming over the shoulder of the hill, they disappear. These are the red grouse, natives of the wild heaths and open moorlands, living on the heath-tops and the wild berries. And, as if kind Nature had foreseen the dangers of these her feathered children, she has plumed them with the colours of the heather-stems and sprigs and the undergrowth, where they can lie almost invisible.

But look again where that piece of granite is lying, half hidden by a clump of heather; there is a grand old blackcock standing on the top, startled by the

attract the plainer brown-grey hens into his harem. The quick eye of the old cock has detected you, and, with a loud challenge, he is off, and with him half-a-dozen more, who have been lying snug. There is a whirring of wings, and they, too, sail away over the hill and are lost to sight. As you pass on, you cannot help feeling how perfectly these birds were in unison with the spirit of the scene, both in form, plumage, and voice. The blackcock and the grouse are the spirits of the moorland, as the eagle is the spirit of the mountain tops.

We have now crossed the moor; descending the gradual slope, and passing down through a fir-wood, with the sound of running water near us, we come out on a patch of marshy ground, with a beautiful loch stretching away directly before us, enclosed to right and left by walls and slopes of rock, fringed at the foot with green and sedgy shallows; away in the purple distance you can see the loch ends with a

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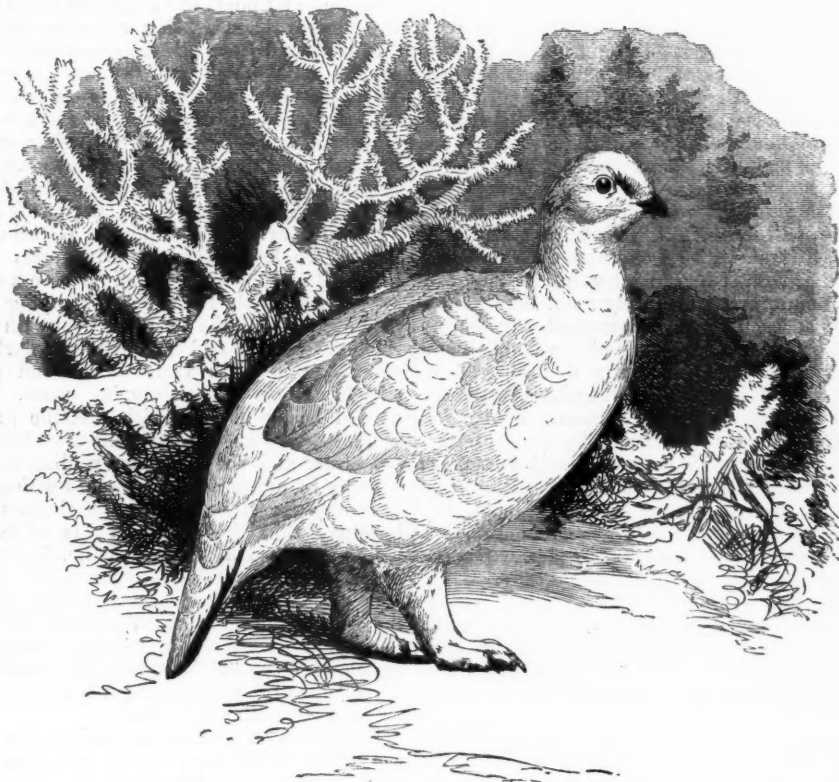
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wood. To your left is a little stream, stealing quietly out of the loch, through tangled flags and rushes, to riot farther away down the valley amongst the boulders and shallows of its rocky bed. Farther to the left, where the grass land rises somewhat, are the ruins of an old castle, with its gaunt gable ends standing out against the sky, and the ivy clinging round its base. The loch before you is as smooth as a mirror, and, like a mirror, reflects the rushes and the rocks and the sky, this reflection every now and then being broken here and there when a gust of wind comes down, or when a fish leaps, and then the edges of the mimic picture, for a few minutes, are jagged and quivering. There is romance here in the

stand out clear and sharp against the surrounding browns and greens of rock and marsh, and there is a pensiveness apparently in his quaint pose which brings him, as it were, into the same key of beautiful solitude as that of surrounding nature. And there is a link between the heron and the old ruined castle too, for in the olden days, before the castle was given up to the bat and the owl, and when knights and dames came,—

“ Ryding or hawking by the river  
With grey goshawk in hand,”

the heronshaw was a prince among the game fowl, and woe to him who was sacrilegious enough to lay



ALPINE PTARMIGAN IN WINTER PLUMAGE.

old castle, grandeur in the mountain sides, and beauty in the sheen and shadows of the loch and the soft, purple distance. But it is a solitude, and you look around for something that shall represent life.

There it is, as perfect an embodiment of the spirit of the scene as it is possible to conceive. A tall, blue-grey bird, with black-tipped wings, his long, white-lined neck, spotted with black, doubled back on his breast. His head, plumed with black, and the long, yellow bill resting on the neck, the yellow eyes gazing intently downwards, apparently at his own shadow. He is standing on one foot in the shallow water, the other drawn up under the breast, and as motionless as if he were only a painted heron. Where can you find more perfect harmony between the bird and the landscape? The delicate, neutral tints of his plumage make his figure

a hand on the noble game and interfere with the knightly sport. Now, the knights and dames are all asleep, the old castle is a crumbling ruin, and the heron, wild and wary with the instinct handed down to him from one generation to another, knows full well that he has less to fear from the hawk than from man.

The heron is often spoken of by the sentimental naturalists as a type of melancholy and solitude—a wretched, miserable dreamer—and even Buffon represents his case as an instance of neglect and cruelty on the part of nature; but this is not fair and true to nature, for the seeming melancholy and solitude are only one phase of the heron's character.

As he stands there, immovable as a statue, with his semi-mourning plumage of grey and black and white, and his attitude of patient sadness, one is certainly



tempted to look upon him in this light, and his classical name, *Ardea*, helps the delusion, for the old legend runs that *Ardea* was a town built by a son of Ulysses and Circe, which when burnt by soldiers was changed into a heron. You can fancy, if you will, that he is mourning over the past, and brooding over the memory of his former greatness; but, although I do not want to destroy the sentimental part of the picture, I must honestly say that it is a delusion, the heron is only thinking of fish. And when you remember that he is a gregarious bird, and see him just before the night comes on, restless and impatient to be off to his fishing-ground, for he is principally a night bird, you will agree with me that the heron is not altogether a type of solitude. Let us see, however, what the heron will do, for he has caught sight of us. Those who may have read that most fascinating book, the "*Life of Thomas Edward*," the Naturalist, of Banff, will remember how he describes a similar scene, and I cannot do better than use his words:—"I immediately stood still; the upright and motionless attitude of the bird indicated plainly that he had been taken by surprise, and for the moment he seemed, as it were, stunned and incapable of flight. There he remained, as if fastened to the spot, his bright, yellow eye staring me full in the face, and, with an expression that seemed to inquire what right I had to intrude into solitudes where the human form is so rarely seen. As we were thus gazing at each other, in mutual surprise at having met in such a place, I observed his long, slender neck quietly and gradually doubling down upon his breast. His dark and lengthened plumes were, at the same time, slightly shaken. I knew by this that he was about to rise; another moment, and he was up. Stretching his long legs behind him, he uttered a scream so dismal, wild, and loud, that the very glen and hills re-echoed the sound, and the whole scene was instantly filled with clamour. The sandpiper screamed its 'kittie-needie'; the pigeon cooed; the pipit, with lively emotion, came flying round me, uttering all the while its 'peeping' note; the moor-cock sprang with whirring wing from his heathy lair, and gave forth his well-known and indignant 'burr-burr-bick'; the curlew came sailing down the glen with steady flight, and added to the noise with his shrill and peculiar notes of 'coorlie-coorlie wha-up'; and from the loftier parts of the hills the plovers ceased not their mournful wail, which accorded so well with the scene of which I alone appeared to be a silent spectator. But I moved not a foot until the alarmed inmates of the glen and the mountain had disappeared, and solemn stillness again resumed its sway."

If you leave the loch and go down the river bank, you will see the heron standing, in the grey morning light, in the shallow reach where the river bends, watching vigilantly but patiently for the passing fish. And farther down towards the estuary, where the low tide has left great stretches of sand, dotted with curlew and gulls and sanderlings, you will see, perhaps, a little group of herons stalking in the gleaming streak where the water runs between the sand-banks. And at dusk you hear his harsh "craigh" as he wings along far above you towards his favourite stream or marsh.

The observer who has lived for any time near a tidal river not far from the sea, can easily recall to memory how great a difference the ebb and flow of

the tide makes in such a scene. When the tide is in, the river stretches in a full broad stream from bank to bank, dotted with fishing-boats and smacks, running up and making the most of the flows; but at low water there is the narrow silver streak winding and twisting about where the channel runs between great stretches of sand and marsh and mud-banks, with here and there some unlucky craft which has missed its course, lying stranded high and dry until the next tide. It is rather a dreary picture, and it looks at first as if all the life and pleasure of the scene had gone with the ebb; but if we wander away across the marshes and down to the sand-banks, we shall find that there is life enough there, for the little army of wading and running birds are busy on the wet sand and mud, and following closely and eagerly the edge of the retreating water, on the look-out for "flotsam and jetsam." The grey birds with the long curved bills which are wading knee-deep in the water are curlews, and as they catch sight of the intruder they fly off with swift strokes of the wing, their wild cries of "coorlie" ringing over the waste of sand. And those busy little brown-and-white birds running swiftly along the wet margin, stopping every now and then with a flick of their tails and a sharp "pit-pit," are the sandpipers. Behind us, on the marsh, we hear some plaintive cries of "peewit, peewit," and looking round we see a dense crowd of plovers, with their large flapping wings, now flashing in the light as they wheel with their undersides towards us, and then suddenly darkling as they wheel again with their black and green backs shadowed into a dark moving mass. With their crested heads and the rich metallic green of their plumage, they are amongst the most beautiful of all our birds, and their peculiar wailing cries are wonderfully in unison with the scenes which they haunt.

It appears to be one of the elements of natural harmony that the voices of the birds should be pitched, to use a musical simile, in the same key as the scene where they are mostly heard. There is a wild plaintiveness and an undertone of sadness in the cries of the birds which are the life of the solitudes and wastes of nature, very different from the joyous caroling of the merry woodland tribes, as if the spirit of the nature around had entered into and found a voice through them.

Before we pass on to the seashore, let us glance at the marshes and fens, which are often dreary solitudes, without the beauty of the moorland or the lake. There are still some of these great waste marsh lands left—dreary level plains covered with dog-bent and rushes and rank vegetation, where the morass and the bog lie; and so desolate are they that even the wild-fowl are rarely to be seen there. The only sounds to be heard are the distant wail of the plover or the curlew, and the weird rustling of the wind amongst the withered reeds. In the midst of this desolate solitude couches the very type of solitude itself, the bittern, as far away as he can from the haunts of men, and, like a misanthrope, apart from even his fellows. No sooner does man commence to plant around his retreat than he retires sullenly to seek a still more desolate spot, and there he crouches sad and silent until the dusk of evening is settling down upon the gloomy landscape; and then on the spring nights he towers up with spiral flight and utters his melancholy love song. And his song is well in accord with his character and the desolation of the scene of his haunt, for there is no music

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in it, but only a dismal booming, a hollow, roaring sound which grates and quivers through the still wild solitude.

Compared with the bittern, the heron is quite a merry fellow, and a glance at the positions of the two birds when at rest shows us that the characteristics of the two are quite unlike. The heron stands nursing one leg, and in a dreamy attitude, with the head inclined downwards, his yellow eyes wide awake, but intent rather upon the fish in the water under him than upon the dangers of man and hawk around him. The bittern, on the other hand, crouches amongst the rushes and reeds "couchant," as if ready to spring up on the least alarm, his long, thickly-feathered neck bent back, and the sharp, strong bill pointing upwards, as if he mistrusted the security even of this wilderness, where he has hidden himself, and lives in momentary dread of danger. With his powerful bill and claws he can defend himself well, if need be, against even his great enemy the moor buzzard. This wildness and love of seclusion is not due to any acquired dread of persecution at the hands of man, for he appears to have been the same in the days of the old Hebrew prophets, who used him as a type of the desolation which was to befall the doomed cities. Isaiah, prophesying against Babylon, cried "I will also make it a possession for the bittern, and pools of water: and I will sweep it with the besom of destruction, saith the Lord of hosts." And well may destruction be said to have fallen upon a city when the bittern has his habitation there, for he is the very spirit of desolation and solitude.

Leaving these dreary marshes behind, let us imagine ourselves on the shore of some sandy bay, which sweeps in a great semicircle towards a bold headland of rock, crowned with green slopes. The tide is out, and the sand stretches away in a somewhat monotonous perspective towards the glancing white streak of the water's edge. Away in the distance over the grey sea we catch the gleam of a white bird now and then, hovering and wheeling with graceful motion. Then suddenly we see what appears to be the silvery crest of a wave passing swiftly along and nearing the shore; the next moment it disappears, and then again it shows itself brighter than before, and it seems to be flashing along the wet sands near the fringe of the waves. Watching carefully, we soon discover that it is a large flock of dunlins, or sea snipe, appearing alternately in light and shade, as they twist and turn in their flight. How suddenly they seem to light up the lifelessness of that plain of sand. The monotony disappears as if by magic, for these little glancing atoms of bird life have relieved the forsaken appearance of the flat expanse before us, and they form a link, as it were, between ourselves and the distant gulls.

If we cross the sweep of sand and climb the headland which bounds the bay in front of us, we shall find a different phase of nature, and with it different forms of life. As you lie down for a few moments to rest upon the top of the cliff after your climb, you look away over the sea, with its changing lights and shades of blue and green and grey, dotted here and there with a white or brown sail. Far down below we hear the cries of sea-fowl, and presently there sails up from the void beneath a great white bird, with yellow beak and blue-grey wings tipped with black. He comes up as noiselessly as a spirit, without a movement of his great pinions, only turning his

head from side to side, and peering at you with his inquisitive little eyes, as if curious to know whether or not you were eatable, for, with all his beauty, our friend the seagull is as greedy as a vulture. Then with a scream he sails gracefully round in a wide sweep, and down towards the sea, where are some of his fellows sitting in the water, rising and falling with the long Atlantic rollers. How swiftly and yet how easily he seems to sail round, his wings apparently without a movement, as if by mere force of will he could shape his course, in spite of the wind, with all its eddies and currents. And then see how suddenly he raises his wings and lets himself drop, with his tail outspread and his feet lowered to check the fall, just on the top of a wave; then a quick scoop of his bill, and up he sweeps again! How perfectly he seems to harmonise with the sea, from which he gets his daily bread, or rather fish, not only in colour, with his delicate grey wings and his head and breast as white as the sea foam, but in the very spirit of his movements. He never seems to be in a hurry, for, like the old ocean, time is of no value to him; and in his greediest moments, perhaps, he is grandest.

Here is another of the spirits of the scene, but more of the demon than the sprite; a long-looking black bird flying along swiftly and as straight as a line just above the surface of the sea, with his neck stretched out as if to balance himself. There is none of the graceful wheeling and sailing of the gull about him, for he never wastes his time in such amusements. He knows that when he wants fish he can go down and hunt them in their own element, and now that he has had his fill he is making for that sloping rock. And now he curves upwards and pitches where some half-dozen other cormorants are already squatting, some with their wings outspread to dry, and others peering down with their evil-looking heads and green eyes into the waves surging round the base of the rock.

Farther round the cliff, on the other side of the headland, you come upon a great cliff with almost perpendicular walls of rock on each side, at the base of which the rollers are thundering in one after the other with hollow roaring and seething. Above the noise of the waves rise the shrill cries of sea-fowl, which are busy flitting and sailing to and fro, and the quaint little puffins and the guillemots sitting in rows of black and white on the narrow ledges of the precipice. Without those restless, noisy little toilers of the sea, how bare and solitary the scene would be!

#### THE SHAM PETRIFIED GIANT.

IT is a common observation by occupants of the judicial bench, that if the ingenious prisoners who were brought before them for fraud had spent in honest endeavours one-half of the efforts and skill displayed in cheating, they would have earned a good living. Some of these scoundrels deliberately prefer a career of fraud. This was certainly the case with "Flint Jack," as he admitted; and it appears to be the case with the more ambitious rogue who has attempted to foist off, first the "Cardiff Giant," and secondly, the "Colorado Giant," as crowning trophies of palæontological discovery in the United States, so

fertile in real and important disclosures of tertiary and post-tertiary fossil bones of big animals.

The history of the last and biggest of these clumsy frauds has been investigated by a commissioner employed by the "New York Tribune," from which paper (January 24th) we abridge the following account. The image was made at Elkland, a little mountain town in Northern Pennsylvania, near the New York State line, by George Hull, the maker of the Cardiff Giant. P. T. Barnum became interested in the scheme, and supplied part of the capital. The figure was taken to Colorado, buried there, and finally dug up, in accordance with a carefully-arranged plan. Hull is fifty-five years of age, but he does not look to be over forty-two. He came from Connecticut, and was a swindler from the first. He settled down in Binghamton and became a cigar manufacturer. In 1869 he went to Chicago, and was gone nine months without anybody knowing where he was. There he made the Cardiff Giant, had it buried on the farm of a nephew at Cardiff, near Syracuse. Barnum wanted to buy the gypsum giant, but Hull thought it was worth a million, and realised about 60,000 dollars on the humbug before his nephew revealed the fraud.

Hull took his money to Binghamton, erected a brick block, and engaged extensively in his business. He was a peculiar man, and spent a great deal of money and time in making experiments with gases and stone, claiming that he could discover the principles of alchemy and produce any of the metals. He read scientific books, and, although he is uneducated, he had a ready mind for getting at the principle of a thing. A sceptic and materialist, he used to declare that the world was a fraud, and all the people in it; that the American people were never so happy as when they were being humbugged. Darwin's theories fascinated him, and he used to say if he could get the scientific men quarrelling over the origin of man, and throw the religious world into a hurly-burly of doubt and controversy, he should be perfectly satisfied, and win great fame. He declared that he would spend the rest of his life in working a humbug which would explode the truths of the Bible and electrify the scientific world.

In 1872 Hull was forced into bankruptcy, with liabilities of 30,000 dollars. At the beginning of 1873 he went to Elkland. But before that he went to Boston, saying he had made arrangements with a publisher to issue a history of the Cardiff Giant, and wanted to stop the publication, because, as he said, he had perfected himself, so that next time he should not make a failure in that kind of business. Hull rented 300 acres in Elkland, and pretended to carry on a farm, but did not pay expenses by it. As soon as he was established, in the summer months of 1873, he built an "ice-house," about 20 by 14 and 12 feet high. In this he built an arch kiln of brick 9 by 5 and 3½ feet high. This was very strongly built. The "ice-house" was tightly fastened on the sides and was provided with a small skylight. Everybody knew that Hull spent most of his nights in the "ice-house," and it became a standing joke to ask Hull when he was going to fill his "ice-house," or to ask, "Where's Hull?" the reply being, "Hull's gone into his hole; I guess he'll be out in the morning."

Hull secured the services of a New York sculptor, who was with him several months.

"I went to Elkland January 18, 1877," said Mr.

Cox (the commissioner's informant). "About the 1st of February Hull said his work was done, and on the evening of March 11 he came to me, all enthusiasm, and said, 'Cox, I want you to see the old man; we've got him out all right.' He gave me to understand that the giant had been baking a whole year. And I think Hull made his own charcoal."

"When I entered the 'ice-house' the giant was lying on a board supported by two stout saw-horses. A derrick-like structure stood over the kiln, and had been used to take the giant out. Barrels of plaster-of-Paris, ground bone, ground stone, clay, and other materials were in the corners, and there were many plaster-moulds lying about and on shelves."

"I called his attention to the fact that the man was not perfect. He struck matches to show me the differences in the toes. He said it would not do to have the man perfect; that there was nothing perfect about it. It had been made so as to have it not like anything ever discovered of the human or brute creation. The arms, he said, were made disproportionately long, so as to make it appear something between a man and an ape. He explained how he used 250 gross of steel needles, which had been fastened in lead, a dozen or so at a time, and with these he had gone over the entire surface of the figure before it was baked, producing that 'goose-skin' appearance which has puzzled scientific men."

"Suppose, sir," said I, "some scientist proposes to go into him, what are you going to do?" "Oh," said Hull, "I've got that fixed," and he pointed to two places, where, he said, the scientists could have a foot of surface to work on, where they would be sure to strike bone. If they want to go in anywhere else," said he, "we shan't let 'em."

Hull had succeeded in making a stone giant, for the baked composition was just like stone, but it was a white elephant on his hands. He had no money to plant it with. This led him to apply to Barnum, whom he visited at Bridgeport, Conn. When he returned, Hull said that Barnum said he "was not going to buy a pig in a bag," and he would send out a man to look at Hull's invention.

Barnum did send George Wells, of Bridgeport, who came quietly, stopped at a neighbouring hotel, and let it be understood that he was a horse-trainer who came to look at some Hambletonian stock in the neighbourhood. Case took him out driving, and in the evening he was taken into the "ice-house," where he viewed the wonder. He departed on the early morning train. Hull told me that Barnum, if he was satisfied, was to pay 2,000 dollars down, and have a certain share in the giant, share the expenses of planting, etc. He also said that Wells had expressed himself as more than satisfied; in fact, he was perfectly astounded, and he believed Barnum would buy.

The bargain was made, and the day after I saw the giant—that is March 12—the giant was wrapped with a great many yards of cotton cloth, and put in a stout box well bound with iron, which was provided with a false bottom on steel springs. The box was marked "fine machinery," and directed to Bridgeport, Conn., I think to George Wells. At midnight it was put in a waggon and taken to Addison, eleven miles distant on the Erie road. Hull made a second trip to Bridgeport, where, on March 26, an agreement was drawn up and signed by the stockholders of the Giant Company, Barnum, Hull, Wells, and Case.

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"I think their first intention," Mr. Cox continued, "was to bury the giant in some isolated Connecticut valley, but Barnum said it would never do, and Hull, when he returned, said they had changed their plans, and were going to plant the giant in the Rocky Mountains. Hull said they must have some fossilised objects to be dug up near the spot where the giant was to be planted. I managed it so that a boy who had caught a big snapping turtle sold it to Robert Traver, who kept the rival hotel. Then I went to Traver and bought the turtle for a dollar, killed it, and with it Hull moulded a turtle out of the same substance of which the giant is composed. A salmon trout was also imitated in similar compost, and the turtle and trout were subjected to a three weeks' baking in a sheet-iron oven and retort made expressly for the purpose.

"Hull went to New York April 8, and joined W. A. Conant, who was in Barnum's employ. They shipped the giant to Colorado Springs, and then reshipped it as local freight to Pueblo. Hull was absent about six weeks, and on his return told me that the giant was successfully planted. I believe that Conant went as a doctor or professor in charge of a party in search of geological specimens. Conant remained to watch the deposit, and got a position as station-agent on the Santa Fé Railway.

"Some time after his return, Hull told me that the giant was just as ready to dig up then as it would be in five years, but that Barnum had gone to Europe, and would not be back till August. In August Barnum returned from Europe, and went to Colorado ostensibly to look after his stock farm and lecture on temperance. His real object was to be near at hand when the giant was exhumed. Hull knew it would never do to have the Cardiff Giant man recognised as having anything to do with the Colorado Giant, so he assumed the name of George H. Davis, cut his hair short, shaved his moustache, put a hump on his back, and disguised himself as a stoop-shouldered farmer. I had timed Hull in his travels, and sent an affidavit to Conant showing up the fraud, so that it would reach him about the day I supposed the giant would be dug up.

"When Hull reached Pueblo he found that Conant, who, as he expressed it, had been 'fooling' with the giant, had broken off the head and one leg. Hull was enraged, and a quarrel ensued. However, the giant was skilfully mended, and the discovery was made according to the plan. Barnum appeared on the ground, and offered 20,000 dollars for the 'find,' which Conant refused with scorn. The people began to laugh at Barnum, and he offered a reward of 10,000 dollars to any man who would prove that the giant was made by chisel. Of course, he 'had them there.' Then came the test. Hull told me that Barnum paid Professor Taylor 100 dollars and his expenses to go out and bore into the giant. Hull had lent an attentive ear to the talk of scientific men, and was astonished to learn that a kind of crystal ought to be found on boring into the arm of a petrified giant. Hull obtained crystal to correspond, and by sleight-of-hand exchanged it for the dust of the boring implement which was first handed to him by Professor Taylor."

Hull's first intention was to make some kind of strange animal; but a fossil man, he shrewdly considered, would be more attractive. If Barnum would only "plant" the giant, public curiosity would be sure to be awakened.

Mr. Cox said, in concluding his story, "When the giant arrived at Quincy, Illinois, Barnum, who was then in Washington, ordered it to be brought to New York, and its subsequent history is known."

#### A SINGULAR OLD BROADSHEET.

THE Rev. Arthur Bedford, whose name is subscribed to the broadside here reprinted, was a zealous divine, who wrote in the first half of the eighteenth century. He was an Oxford man. First appointed chaplain to the Duke of Bedford and vicar of Temple, in the city of Bristol, he was afterwards chaplain to the Haberdashers' Hospital, London. He wrote on "The Evil and Danger of Stage Plays," 1706; "The Temple Musick," 1706; "The Great Abuse of Musick," 1711, etc.

The "Proposal" is printed on one side of a small folio sheet of paper, and was, probably, largely distributed at the time of its publication, but is now so rare that perhaps a second copy could not be found. It is worth preserving as an example of an early attempt to improve sacred music among the people, and as anticipating the "leaflets" recently issued with such success by the Religious Tract and other societies.

#### "A PROPOSAL for Promoting DIVINE MUSICK AND BENEFACTIONS for PAROCHIAL LIBRARIES.

"Some gentlemen of the city of London, taking into serious consideration that the present lewd songs and ballads, which abound in every part of this nation, have a most pernicious tendency to the flourishing of vice and corrupting of youth, as it is rightly expressed in the title-page of our common singing psalms, and being of the opinion that the only way to prevent this mischief is by the dispersing of pious hymns, and encouraging the singing of them in the same manner (which might also very much conduce to the promoting of Christian knowledge, and a reformation of manners, and cause the praises of God to be once more sounded forth by the mouths of babes and sucklings), have resolved to make an attempt of this nature in the cities of London and Westminster, and the borough of Southwark, and afterward (if it should succeed in those places) throughout the whole kingdom of Great Britain, hoping for a blessing on their endeavours from the Divine Providence, who alone is able, and, as they trust, willing, to prosper such an undertaking.

"The method which they propose at present is by printing of a sheet of paper monthly, which shall contain three or four hymns at the price of a penny, and is the common price of a ballad, on the backside whereof shall be printed a proper tune for each hymn in four parts, which shall be as easy to be learned, and as delightful as possible. And if it pleaseth God to bless this attempt to promote His glory, no endeavours shall be wanting to proceed further in the improvement of this science to the uttermost, as encourage shall be given, and as it shall please the Divine Providence to open a door for this purpose; especially since they who have but little skill in musick do well know that it is very

capable of improvements in this method, and perhaps more than in any other whatsoever.

"And whereas some profits may probable arise from hence, the undertakers hereof do declare that they desire no advantage to themselves, but are content that an exact account thereof shall be kept, and the same shall be disposed of in the following manner, viz.:—The one half, clear of all expenses, for the present and future benefit of the clergy of the Church of England, by erecting and annually augmenting of parochial libraries, at such poor livings where the right reverend the bishop of the diocese shall think that they can be most serviceable; and the other half shall be applied to defray all necessary and contingent charges, printing and paper excepted; and the overplus shall be reserved for a fund to carry on the same, as it is hoped, with greater success for the time to come.

"Thus, whosoever lays out but a sixpence in buying of such hymns may not only, if he pleases, put the praises of God into the mouths of four-and-twenty children, but in all probability he will promote other pious and charitable designs, and particularly give a considerable part thereof to enable a clergyman in a poor living, and his successors to the end of the world, to preach the word of God more effectually for the salvation of a whole parish; and Christ Jesus may say to such at the Day of Judgment, *'Inasmuch as ye have done it to one of the least of these, ye have done it unto me.'*

"A. BEDFORD.

"London: W. Pearson for C. Rivington.

"1733."

[This curious old broadside was in the collection of the late Dr. E. F. Rimbault, who called our attention to it. Illustrated tracts and handbills are widely circulated now, and use is also largely made of music as a help to amendment of morals and the spread of religion. Good Mr. Bedford had ideas in this direction in advance of his time.]

## Varieties.

**THE HIBBERT LECTURES.**—Mr. Robert Hibbert was a wealthy and philanthropic West India proprietor, very advanced in his political and religious views. He bought the fine estate called Georgia, in Jamaica, and honestly strove to have it managed humanely. He even tried the experiment of sending among his 400 negroes for three years a missionary of his own persuasion, who ultimately threw up the thankless task in despair. This property Mr. Hibbert, at the time of the Emancipation, sold for £10,000, after receiving under the Act as much more for his share of the 20 millions. This was in 1836. Three years afterwards he went to reside at Bath for the sake of his wife's health. He was then 69, having been born in 1770. Between 1784 and 1788 he was a pupil of Gilbert Wakefield, from whose hands he passed to Emmanuel College, Cambridge, where he took his B.A. degree in 1791. In harmony with the liberal principles which Mr. Hibbert upheld throughout his life was the trust he founded shortly before his death. Setting aside American stock and bonds producing about £1,000 a year, he executed the deed of 1847, by which he transferred those securities into the joint names of himself, the late Mr. Mark Philips—at that time M.P. for Manchester—and Mr. Robert Philips, of Heybridge. The income was to be paid to the donor for his life, after his decease to his widow for her life, and after the decease of both, the trustees are to apply it "in such manner as they, in their uncontrolled discretion, shall from time to time deem most conducive to the spread of Christianity in its most simple and intelligible form, and to the unfettered exercise of the right of private judgment in matters of religion." Appended to the deed was a schedule giving the donor's ideas as to the mode of

carrying out his design, but only, as he declares, "by way of suggestion, but not at all by way of direction to the trustees—that is, when and so long as they in their absolute discretion shall think fit, they may adopt and act upon the scheme set forth in the schedule hereunto written." In the same spirit the trustees were not merely empowered, they were directed and required once, at least, in every twenty-five years to reconsider and revise thoroughly any and every scheme they might have adopted. In compliance with the prayer of a memorial signed by several persons of note, including the Dean of Westminster, Principal Caird, Principal Tulloch, Mr. James Martineau, and Dr. W. B. Carpenter, the trustees have instituted a lectureship "On the Theory, Development, and History of Religion." The first series of seven lectures has been delivered by Professor Max Müller, "On the Origin and Growth of Religion, as illustrated by the Religions of India," in the Chapter House, Westminster Abbey.

**ALCOHOL AND TOBACCO.**—A correspondent, referring to a paragraph in the June part of the "Leisure Hour" about the sudden disuse of stimulants, says: "We take it for granted that no one, in the face of our prison statistics, would question the fact that, not only is such a course not prejudicial to health, but, on the contrary, beneficial. We should like to be informed whether a like sudden abstinence from the use of tobacco in all its forms is also free from injurious consequences." The question of our correspondent contains its own answer. Prisoners are suddenly deprived of tobacco as well as alcohol, and without injury to health.

**SCOTTISH TUNES.**—The programme of vocal music sung by the choir of Crathie parish on the Queen's last birthday at Balmoral, 24th May, 1878, shows the taste of Her Majesty, or the taste of the fingers, or both, and will interest those who like Scottish music:—

"Comin' thro' the Rye."	"Homeward Bound."
"Ye Banks and Braes."	"Annie Laurie."
"Outward Bound."	"Scots wha Hae."
"'Twas within a Mile."	"Last Rose of Summer."
"The Blue Bells of Scotland."	"Wae's me for Prince Charlie."
"Ca' the Yowes to the Knowes."	"Now pray we for our Country."

"God Save the Queen."

Professor Blackie, who complains bitterly of the snobbishness of the managers of the Reid concerts connected with the University of Edinburgh, because they exclude all national music, must have been delighted by this programme.

**PRACTICAL UNWISDOM.**—At the recent conference held at the Society of Arts, on the water-supply and other sanitary arrangements of great towns, a civil engineer stated that Oxford was spending £150,000 on drainage which would be useless, because the sewage was to be thrown upon a farm near the river, which it would pollute.

**USEFUL APPLICATION OF SIX MILLIONS STERLING.**—Messrs. Heywood, of Manchester, have published a sheet containing a graphic view of what the six millions, spent on war materials, would have purchased if applied to peace purposes. The sum is arranged in 1,200 bags of gold, containing £5,000 each, and the following are the objects the amount would have obtained:—

80 churches, at £5,000 each.....	£400,000
80 chapels, at £5,000 each .....	400,000
240 schools, at £2,500 each .....	600,000
80 colleges at £5,000 each .....	400,000
80 baths and washhouses, at £5,000 each .....	400,000
40 infirmaries, at £10,000 each .....	400,000
80 reformatories, at £5,000 each .....	400,000
40 blind asylums, at £5,000 each .....	200,000
Furnish 400 lifeboats and stations .....	200,000
Give to foreign missions £400,000 .....	400,000
80 public parks, at £5,000 each .....	400,000
1,300 cottages for people who now live in cellars.....	200,000
20 museums of science and art, at £10,000 each .....	200,000
1,000 drinking fountains for man and cattle, at £200 .....	200,000
40 free libraries, at £5,000 each .....	200,000
Pension 400 old people, at £20 a year each .....	200,000
Divide £200,000 amongst all temperance societies ..	200,000
Give £200,000 to the Bible and Tract Societies .....	200,000
Save 200,000 people alive in the Chinese famine .....	200,000
1,000,000 lb. of beef, 5,000,000 lb. of bread, 500,000 lb. of tea, and 4,000,000 lb. of sugar .....	200,000
Total .....	£6,000,000

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